

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16870 of 2022**

Arising Out of PS. Case No.-77 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

RAKESH KUMAR @ RAKESH YADAV Son of Hare Ram Yadav R/o
Village - Sarsar, P.S.- Siwan (Mufassil), District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar, Advocate

For the Opposite Party/s : Mr. Nityanand, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 29-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that
petitioner has antecedent of three cases.

Allegation is of recovery of 5 litres of liquor from the
Dalan of Mahajan Yadav.

Learned counsel for the petitioner submits that
petitioner was not apprehended from the spot, as such, nothing
was recovered from his conscious possession and his name
transpired in the confessional statement of Mahajan Yadav



which has no evidentiary value in the eye of law. It is next submitted that petitioner came to be implicated by the police through Mahajan Yadav because of his antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner and the nature of recovery of liquor, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Siwan (Mufassil) P.S. Case No. 77 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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